

ARRAIGNMENT

*[Use this form **only** if (a) the defendant already has appeared in federal court in this district on this/these charge(s), (b) the defendant is charged in an indictment or information, and (c) the defendant's lawyer is present in court with his/her client.]*

[Note: *If you have any doubts about the defendant's ability to speak and understand English, then consider using a certified interpreter in accordance with 18 U.S.C. § 1827. If a certified interpreter is used, then no record needs to be made about the interpreter's qualifications. Be sure to swear the interpreter.*]

1. "This is the case of the United States of America versus (name of defendant). Are you (defendant's name)? I am (state your name)."
2. *[Either summarize the charge(s) against the defendant or have the prosecutor do so. If you summarize the charges, say]* "You've been charged in an indictment/information with

[Here are some examples.]

- (a) conspiracy to manufacture/distribute (name of drug)."
 - (b) possession of (name of drug) with the intent to distribute."
 - (c) unlawfully reentering the United States after you were deported."
 - (d) possession of a firearm after you were convicted of a felony."
 - (e) possession of a firearm while you were an unlawful user of drugs."
 - (f) possession of a firearm after you were convicted of domestic abuse."
3. *[Ask the defendant]* "Do you have a copy of the indictment/information?"
[If not, make sure a copy of the indictment/information is provided to the defendant.]

[Ask the defendant] "Within the past 24 hours, have you used or taken any **alcohol, drugs, or medication?**" *[If "yes," then say]* "Do you think this might affect your ability to understand the legal matters we'll be talking about at this hearing today?"

4. “Are you correctly named in the indictment/information, with your name spelled correctly [*ask the following for Hispanic names only*] and in the correct order?”
5. “Would you like me to formally read the indictment/information to you on the record?” [*Choose either paragraph 5(a) or 5(b).*]
 - (a) [*If “yes,” then read the indictment/information to the defendant.*]
 - (b) [*If “no,” then ask defense counsel*] “Do you waive formal reading of the indictment/information?”
6. [*Ask the prosecutor*] “Would you advise the defendant of the statutory penalties that would apply if (s)he were to be convicted on this/these charge(s)?”
7. [*Ask the defendant*] “Do you generally understand what you’ve been charged with? How do you plead to Count I?” (*Count II, etc.?*)
8. “Your plea(s) of not guilty is/are accepted. This case is scheduled for trial before the Honorable (*name of judge*) on (*date of trial*). Do the parties wish to enter into the standard discovery stipulation?” [*Choose either paragraph 8(a) or 8(b).*]
 - (a) [*If both say “yes,” then say*] “Very well, the court will enter Judge (*name of judge*)’s standard trial-setting order and discovery stipulation.”
 - (b) [*If either says “no,” then say*] “Very well, the court will enter Judge (*name of judge*)’s standard trial-setting order, but without the standard discovery stipulation. Discovery in this case will be governed by the Federal Rules of Criminal Procedure and federal statutory and case law concerning discovery.”

[*This would conclude the hearing*]

[ADJOURNMENT]